

REMARKS

Reconsideration of this application is requested. Claims 1-26 and 29-42 remain in the application. No claims have been amended. It is respectfully submitted no new matter has been added to the instant application.

Claims 1-26 and 29-42 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0078456 to Hudson et al. (hereinafter Hudson) in view of U.S. Patent No. 6,678,866 to Sugimoto et al. (hereinafter Sugimoto) as set forth on pages 3-14 of the Office Action dated January 16, 2008.

In regards to claim 1, the Examiner asserted the generating step, associating step, playing step and receiving step of claim 1 are disclosed in FIG. 4 and paragraph [0002] of Hudson. In regards to the "identifying the time marker of said media selection that corresponds to the time receipt of said user input" step of claim 1, the Examiner asserted this step is disclosed in at least paragraph [0033] and by item 500 in FIG. 5 of Hudson. In regards to the correlating and activating steps, the Examiner pointed to paragraph [0033] of Hudson and states "it is noted that the claimed *time data* is interpreted to read on Hudson's time code marker embedded in the video stream". The Examiner then stated "Hudson does not specifically disclose a time data associated with a corresponding time point during the playback said media selection". The Examiner then asserted "Sugimoto discloses time-designating information which specifies the time period that information is to be displayed, and a controller that is configured to compare the time-designating information with time information defining the current time and when the current time corresponds with the display time specified by the designating information, the controller enables the display of that information (see at least 3:1-9)".

It is to be appreciated that the method and system of the present application utilize an enhancement registry for a media selection which includes at least one communicative link to deliver additional materials to a user. Each of the at least one communicative link is associated with time data associated with a corresponding time point during play of the media selection. Upon a user input being received, a time marker is identified corresponding to the time of receipt of the user input. The identified time marker is then correlated to the time data of the media selection, i.e., the corresponding time point of play of the media selection, to determine the communicative link associated to the time data associated to the media selection. Subsequently, the determined or identify communicative link is activated. Accordingly, as a media selection is being delivered to a user, whether an audio, audio/video and/or another type of media selection, the media selection is enhanced with user interactivity, allowing a user to at least provide a user input in order to effectively retrieve additional material that can be specifically related to the media selection, and more specifically to a portion of the media selection that is being delivered when the user input is generated (see instant application page 6, lines 6-13).

Hudson is directed to a system and method for interacting with video by displaying one or more interface links associated with video content being displayed, pausing the video content when an interface link is interacted with, allowing the user to view ancillary content the interface link is linked to over a network, and un-pausing the video content after the user elects to continue viewing the video content. The interface links are delivered to the user with the video content, automatically without a user's request. The interface links "may be delivered separately from the video stream such that the links overlay the video stream content when displayed to the user (a "floating" interface

link), or the interface links may be embedded in the video stream itself" (see paragraph [0011] and [0030]-[0032] of Hudson). The interface links may be delivered as a timed program,

In such an instance, interface links may be preprogrammed to interact with, for example, time code markers embedded in the video stream, such that one or more interface links may appear or disappear based on the time elapsed. The association of interface links with time code markers may be achieved by known video editing or encoding applications. The appearance of a time code marker may be triggered when a time code window of the application delivering the video, for example, a media player, reaches a selected frame. For example, an interface link may appear in the right hand corner of the user's display after five minutes have elapsed during a video presentation to coincide with the entrance of an object of interest... (see paragraph [0033] of Hudson)

Therefore, in one form or another, the interface link must be delivered or sent to the user based on an elapsed time before a user can interact with the link. The interactive links are not delivered based a user input. Whether the user interacts with the video content or not, the interactive links are displayed at predetermined point of time regardless of the interest of the user.

Sugimoto is directed to a notification information display apparatus for efficiently sending notifications such as the advertisements of service providers by computer. The system of Sugimoto delivers advertisements to a user via a label shown on a display, where the label carries information on a front and back side of the label as shown in FIG. 4 of Sugimoto. Referring to col. 3, lines 1-9 and col. 22, line 9 through col. 24, line 64, the system of Sugimoto uses time-designating information to determine when to display advertising information (similar to Hudson) or when to update advertisement

information. Referring to col. 22, line 9 –col. 24, line 14 and FIG. 26, the time-designating information is used to determine whether the advertisement information is current and, if not, whether current information should be downloaded. Figs. 27 and 28 and the associated text of Sugimoto disclose how the time-designating information is used to determine when advertisement information should be displayed. Similar to Hudson, Sugimoto displays information based on time without user input.

Claim 1 is directed to a method of enhancing existing media content including “a) generating and storing an enhancement registry for a media selection from said media content, said enhancement registry including at least one time data associated with a corresponding time point during play of said media selection and at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different time data associated with said media selection; b) associating a media storage medium containing said media selection with a corresponding media player; c) associating said media selection with time markers related to the stages of said media selection and to at least one of said time data; d) playing the media selection on said corresponding media player for delivery to a user; e) receiving a user input and identifying the time of receipt; f) identifying the time marker of said media selection that corresponds to the time of receipt of said user input; g) correlating said identified time marker with at least one of said time data of said enhancement registry to determine a communicative link associated with the at least one of said time data; and h) activating said determined communicative link associated with the at least one of said time data in response thereto, to deliver additional material related to a stage of said media selection to a user in accordance with the receipt of a user input” (Emphasis added). The

method of claim 1 activates a communicative link in an enhancement registry in response to "receiving a user input", by "identifying the time marker" associated with a media selection "that corresponds to the time of receipt of said user input;" and correlating the identified time marker with " at least one of said time data of said enhancement registry to determine a communicative link associated with the at least one of said time data" and "activating said determined communicative link".

Hudson does not disclose receiving a user input and then identifying a time of the user input to determine a communicative link associated with that time of the media selection. In paragraph [0033] of Hudson, Hudson discloses using time code markers to determine when to display or to deliver an interface link to a user, i.e., "one or more interface links may appear or disappear based on time elapsed". The time code markers of Hudson are not used, in response to a user input, as a look-up mechanism to activate a communicative link of an enhancement registry. In contrast, claim 1 of the instant application 1.) receives a user input; 2.) identifies the time marker corresponding to the time of receipt of the user input; 3.) correlates the identified time marker (the time marker being based on the receipt of the user input) with time data of the enhancement registry to determine a communicative link associated with the time data; and 4.) activates the determined communicative link to deliver materials to the user.

Hudson's "time code markers" are used to enable the "interface links" to be responsive to a user input, and without their action the links are ineffective and produce no response to the input. In contrast, the claimed time markers, which are distinct from the claimed "time data", are directly responsive to a user input and produce the delivery of additional materials to the user, through their correlation with the time data and

communicative links of an enhancement registry. No additional enabling is involved as in Hudson.

Sugimoto does not overcome the deficiencies of Hudson to reach the method of claim 1. Sugimoto does not disclose or suggest an "enhancement registry including at least one time data associated with a corresponding time point during the play of said media selection" as asserted by the Examiner. The time-designating information of Sugimoto is merely a point or period of time when to display advertisements or to refresh advertisements, similar to Hudson above. Referring to col. 3, lines 10-15, Sugimoto states "Time-designating information" as used here may be information which indicates a notification end time that indicates the valid time period for a notification. The term "time" or "time period" as used here includes not only dates, (year/month/day), but also units of time down to hours, minutes, and seconds". This use of the time-designating information is clearly shown and described in relation to FIGS. 27 and 28. No where in Sugimoto is it disclosed or suggested that the time-designating information is "associated with a corresponding time point during the play of said media selection" as recited in claim 1. In fact, no where in Sugimoto is it disclosed that the advertisements or notifications are associated with a media selection being played on the apparatus, which is described as a computer. The time for displaying the advertisements or notifications is based on a time of day and are not specifically displayed in association with the subject matter being displayed by the user, which could be at any one time a basic computer program such as a word processing program. Furthermore, Sugimoto does not disclose receiving a user input, identifying a time marker based on the user input, correlating the time marker to time

data associated to a media selection to determine a communicative link and activating the link as recited in claim 1.

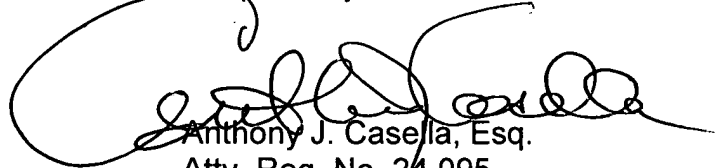
Therefore, it is respectfully submitted that the claimed method differs essentially from the teachings of Hudson and Sugimoto so that claim 1 is patentably distinct and not rendered obvious by Hudson and Sugimoto alone or in any combination. Furthermore, it is respectfully submitted that dependent claims 2-12, depending directly or indirectly from amended claim 1, are patentable for at least the reasons stated above in regard to amended claim 1.

Claim 13 is directed to a media enhancement system including "a) a media player structured to deliver a media selection to a user; b) an enhancement registry associated with said media selection, said enhancement registry including at least one time data associated with a corresponding time point during play of said media selection and at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different one of said time data; c) a user interface operatively associated with said media player and structured to receive a user input at least during delivery of said media selection by said media player; d) said media player structured to receive an indication from said user interface of the time of receipt of a user input to identify a time marker associated with said media selection that corresponds to the time of receipt of said user input; and e) an activation assembly structured to access said enhancement registry, correlate the identified time marker with at least one of said time data of said enhancement registry to identify one of said at least one communicative links associated with the at least one of said time data and to correspondingly activate said identified communicative link for delivery of said additional

materials to the user in accordance with the receipt of a user input" (Emphasis added). For at least the reasons cited above in relation to claim 1, it is respectfully submitted amended claim 13 is patentably distinct and not rendered obvious by Hudson and Sugimoto alone or in any combination. Furthermore, it is respectfully submitted that dependent claims 14-26 and 29-42, depending directly or indirectly from amended claim 13, are patentable for at least the reasons stated above in regard to amended claim 13.

In view of the preceding amendment and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter, and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below if the Examiner believes a telephone or personal interview would facilitate the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony J. Casella', is written over the typed name.

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Date: April 16, 2008